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FEB 13 2006

Public Disclosure Commission

Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

February 10, 2006

Vicki Rippie
Executive Director
Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

06-320

RE: Richard Pope 45 Day Letter – Christine Gregoire

Dear Ms. Rippie:

The Attorney General's Office has received a complaint from Mr. Richard Pope against Christine Gregoire. The complaint alleges violations of the Public Disclosure Law, Ch. 42.17 RCW, and was filed pursuant to RCW 42.17.400(4). As you know, RCW 42.17.400(4) requires action on the complaint within 45 days of its receipt. In this case, the complaint was received on February 8, 2006. I understand that you have received a copy of the letter by email, and as such, have not provided a separate copy.

As is customary with these types of complaints, we are referring the complaint to your agency for investigation. We will await the results of your investigation before proceeding further. In the event the Commission determines that it is appropriate to schedule an administrative hearing, please advise. Otherwise, I would request the Commission's recommendation with the report of investigation be forwarded to the Attorney General when it is complete. Please note that Mr. Pope has indicated that in the event action is not brought within 45 days, he will pursue a citizen's action under RCW 42.17.400.

I have been assigned the file in our office. I am available to answer any legal questions you may have during the course of your investigation.

If you have any questions, please do not hesitate to call me at (360) 753-0543.

Sincerely,

LINDA A. DALTON
Sr. Assistant Attorney General

LAD:eg

cc: Richard Pope
Rob McKenna, Attorney General
Jeff Goltz, Deputy Attorney General
Norm Maleng, King County Prosecuting Attorney
Ed Holm, Thurston County Prosecuting Attorney

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Public Disclosure Commission

Richard L. Pope, Jr.
1839 - 151st Avenue, S.E.
Bellevue, Washington 98007

Tel: (425) 747-4463
E-Mail: RPope98155@aol.com

February 6, 2006

Honorable Robert M. McKenna
Attorney General of Washington
1125 Washington Street, S.E.
Post Office Box 40100
Olympia, Washington 98504

Re: Citizen Action Letter, RCW 42.17.400(4)
Christine Gregoire, Surplus Account

Dear Attorney General McKenna:

This letter concerns Christine Gregoire and her surplus account. This account contains money left over from her 2000 and earlier campaigns for Attorney General, and her 2004 campaign for Governor.

I am sending this written notification pursuant to the citizen action provisions of RCW 42.17.400(4) to inform you that I have reason to believe that Christine Gregoire may have violated the provisions of RCW 42.17.080 and RCW 42.17.090 by failing to timely report expenditures from her surplus account. Ms. Gregoire also appears to have violated the mandatory electronic filing requirements under RCW 42.17.3691(2). There was also an apparently unauthorized use of surplus account funds under RCW 42.17.095. In addition, Ms. Gregoire has not properly accounted for many of her expenditures.

One thing that I find rather alarming is that Ms. Gregoire did a pretty good job overall of filing her surplus account reports timely when she was serving as Attorney General, but her timeliness has gotten worse since becoming Governor in January 2005.

I believe that Ms. Gregoire would be required to start filing her surplus account reports electronically under RCW 42.17.3691(2), starting on January 1, 2004. This requires a candidate to file "all contribution reports and expenditure reports required by this chapter" electronically, if they spent at least \$10,000 during the previous calendar year, or expect to spend at least \$10,000 during the current year. Ms. Gregoire spent well over \$10,000 on her campaign for Governor in both 2003 and 2004. This would require all of her reports, including her surplus funds account, to be filed electronically in 2004 and 2005. In addition, Ms. Gregoire spent over \$10,000 from her surplus funds account alone during 2005, which would also, by itself, require electronic filing of her reports.

On October 31, 2002, Ms. Gregoire transferred \$2,000.00 from her surplus account to her Attorney General campaign account. This violated RCW 42.17.095(7), which restricts surplus accounts to be used on "nonreimbursed public office-related expenses" and prohibits using surplus accounts for "deposits of campaign funds that are not surplus". In addition, Ms. Gregoire was not a candidate for Attorney General on October 31, 2002 when this \$2,000.00 was transferred to her campaign account. She last filed for that office in 2000, and did not file any C-1 for that office for the 2004 election.

Ms. Gregoire spent at least \$209.45 of surplus funds during July 2003. Under RCW 42.17.080(2)(c), Ms. Gregoire's C4 report and supporting schedules were due on August 11, 2003, but she did not report these expenditures until January 16, 2004, which was 158 days after this reporting was due.

Ms. Gregoire spent at least \$202.63 of surplus funds during August 2003. Under RCW 42.17.080(2)(c), Ms. Gregoire's C4 report and supporting schedules were due on September 10, 2003, but she did not report these expenditures until January 16, 2004, which was 128 days after this reporting was due.

Ms. Gregoire spent \$1,355.04 of surplus funds during February 2005. Ms. Gregoire filed an otherwise timely paper C4 report and supporting schedules on March 10, 2005, but has never filed this report electronically – now 340 days past due on this.

Ms. Gregoire spent \$3,598.99 of surplus funds during April 2005. Ms. Gregoire filed an otherwise timely paper C4 report and supporting schedules on May 10, 2005, but has never filed this report electronically – now 279 days past due on this.

Ms. Gregoire spent \$976.52 of surplus funds during May 2005 through July 2005. Under RCW 42.17.080(2)(c), Ms. Gregoire's C4 report and supporting schedules were due on August 10, 2005, but she did not report these expenditures until August 13, 2005, which was 3 days after the due date. Ms. Gregoire has never filed this report electronically and is now 180 days past due on this.

Ms. Gregoire spent \$2,293.65 of surplus funds during August 2005. Ms. Gregoire filed an otherwise timely paper C4 report and supporting schedules on September 9, 2005, but has never filed this report electronically – now 147 days past due on this.

Ms. Gregoire spent \$3,648.30 of surplus funds during September 2005. Under RCW 42.17.080(2)(c), Ms. Gregoire's C4 report and supporting schedules were due on October 10, 2005, but she did not report these expenditures until November 10, 2005, which was 31 days after the due date. Ms. Gregoire has never filed this report electronically and is now 119 days past due on this.

Ms. Gregoire spent \$1,109.74 of surplus funds during October 2005. Ms. Gregoire filed an otherwise timely paper C4 report and supporting schedules November 10, 2005, but has never filed this report electronically – now 88 days past due on this.

Ms. Gregoire spent \$696.63 of surplus funds during November 2005. Under RCW 42.17.080(2)(c), Ms. Gregoire's C4 report and supporting schedules were due on December 12, 2005, but she did not report these expenditures until December 14, 2005, which was 2 days after the due date. Ms. Gregoire has never filed this report electronically and is now 56 days past due on this.

Ms. Gregoire spent \$2,453.10 of surplus funds during December 2005. Under RCW 42.17.080(2)(c), Ms. Gregoire's C4 report and supporting schedules were due on January 10, 2006, but she did not report these expenditures until January 16, 2006, which was 6 days after the due date. Ms. Gregoire has never filed this report electronically and is now 27 days past due on this.

In addition, RCW 42.17.090(1)(k), WAC 390-16-037, WAC 390-16-041, and WAC 390-16-205 require the name and address of each vendor be listed, including the amounts spent on each vendor when reimbursement is made to staff or agents.

On February 14, 2005, Ms. Gregoire paid \$319.20 to Teresa Olson for "reimbursement for purchase of books/auction items". Ms. Gregoire did not provide the names and addresses of the vendors Ms. Olson paid, or the amounts to each vendor.

On April 14, 2005, Ms. Gregoire paid \$3,554.00 to Global Express for "travel". Ms. Gregoire did not provide the address of Global Express, or the names and addresses of the vendors Global Express paid, or the amounts to each vendor.

On May 31, 2005, Ms. Gregoire paid \$36.47 to Teresa Olson for "reimbursement for food/bev for travel expenses (for gov.)". Ms. Gregoire did not provide the names and addresses of the vendors Ms. Olson paid, or the amounts to each vendor.

On July 14, 2005, Ms. Gregoire paid \$115.75 to Teresa Olson for "reimb. food/beverage for volunteers". Ms. Gregoire did not provide the names and addresses of the vendors Ms. Olson paid, or the amounts to each vendor.

On July 18, 2005, Ms. Gregoire paid \$153.70 to Mike Gregoire for "reimbursement - trade mission travel". Ms. Gregoire did not provide the names and addresses of the vendors Mr. Gregoire paid, or the amounts to each vendor.

On July 31, 2005, Ms. Gregoire paid \$89.95 to Teresa Olson for "reimb. gas/food for WSP plane". Ms. Gregoire did not provide the names and addresses of the vendors Ms. Olson paid, or the amounts to each vendor.

On July 31, 2005, Ms. Gregoire paid \$91.83 to Mike Gregoire for "reimb for travel (trade mission)". Ms. Gregoire did not provide the names and addresses of the vendors Mr. Gregoire paid, or the amounts to each vendor.

On August 16, 2005, Ms. Gregoire paid \$108.71 to Teresa Olson for "appreciation gifts - staff". Ms. Gregoire did not provide the names and addresses of the vendors Ms. Olson paid, or the amounts to each vendor.

On August 17, 2005, Ms. Gregoire paid \$116.08 to Kurt Fritts for "reimbursement for coffee/mtg. expense". Ms. Gregoire did not provide Mr. Fritt's address, or the names and addresses of the vendors Mr. Fritts paid, or the amounts to each vendor.

On September 16, 2005, Ms. Gregoire paid \$3,604.95 to All Ways Travel for "airfare - Mike Gregoire trade mission". Ms. Gregoire did not provide the address of All Ways Travel, or the names and addresses of the vendors All Ways Travel paid, or the amounts to each vendor.

On October 21, 2005, Ms. Gregoire paid \$51.38 to Party City for "paper/for Halloween decorations" and did not provide the address of Party City.

On October 21, 2005, Ms. Gregoire paid \$388.80 to herself for "reimb./ appreciation gifts". Ms. Gregoire did not provide her own address, or the names and addresses of the vendors she paid, or the amounts to each vendor.

On October 22, 2005, Ms. Gregoire paid \$562.34 to Teresa Olson for "reimb. Halloween candy; food for State Patrol plane; appreciation gifts; decorations for Halloween". Ms. Gregoire did not provide Ms. Olson's address, or the names and addresses of the vendors Ms. Olson paid, or the amounts to each vendor.

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On October 31, 2005, Ms. Gregoire paid \$66.92 to Dirty Daves Pizza for "food for volunteers" and did not provide the address of Dirty Daves Pizza.

On November 7, 2005, Ms. Gregoire paid \$225.64 to Teresa Olson for "reimbursement for Halloween event - Decoration/candy, etc.". Ms. Gregoire did not provide the names and addresses of the vendors Ms. Olson paid, or the amounts to each vendor.

On December 14, 2005, Ms. Gregoire paid \$624.96 to Olympic Wine Merchant for "staff appreciation" and did not provide the address of Olympic Wine Merchant.

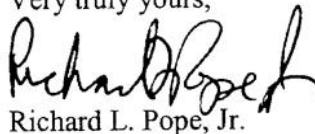
On December 31, 2005, Ms. Gregoire paid \$261.74 to herself for "reimbursement travel/meals". Ms. Gregoire did not provide the names and addresses of the vendors she paid, or the amounts to each vendor.

If enforcement action is not commenced by filing a civil action in court in the name of the State of Washington, within forty-five days of your receipt of this written notification, I reserve my right under RCW 42.17.400(4) to give a second written notification that I will commence citizen's action in the name of the State of Washington over these matters if there has been further failure to so act within ten days of the receipt of such second written notification, and thereafter commence a civil action on my own initiative in the name of the State of Washington over these matters.

I am also forwarding a copy of this citizen action letter to the prosecuting attorney of Thurston County Prosecuting Attorney, since that is where PDC reports are filed and it is where Ms. Gregoire lives and where candidacy papers are filed for statewide office.

Thank you for your careful attention in this matter.

Very truly yours,



Richard L. Pope, Jr.

Enclosures (sent via e-mail only, in order to conserve paper):

1. C4 Report and Schedule A, filed November 5, 2002
2. C4 Report and Schedule A, filed January 16, 2004
3. C4 Report and Schedule A, filed January 20, 2005
4. C4 Report and Schedule A, filed March 10, 2005
5. C4 Report and Schedule A, filed May 11, 2005
6. C4 Report and Schedule A, filed August 13, 2005
7. C4 Report and Schedule A, filed September 9, 2005
8. C4 Report and Schedule A, filed November 10, 2005
9. C4 Report and Schedule A, filed December 14, 2005
10. C4 Report and Schedule A, filed January 16, 2006

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DECLARATION

Public Disclosure Commission

I declare under penalty of perjury under the laws of the State of Washington that the above and foregoing is true and correct to the best of my knowledge and belief.

Signed at Bellevue, Washington on February 6, 2006.


RICHARD L. POPE, JR.

Cc: Vicki Rippie
Executive Director
Public Disclosure Commission
711 Capitol Way, Room 206
Post Office Box 40908
Olympia, Washington 98504-0908

Honorable Edward G. Holm
Thurston County Prosecuting Attorney
2000 Lakeridge Drive, S.W., # 2
Olympia, Washington 98502